

James A. Bonini, et al.
Serial No.:09/609,146
Filed: June 30, 2000
Page 11

Amendment, applicants have canceled claims 1-18 without prejudice or disclaimer, and added new claims 235-281. Accordingly, upon entry of this Amendment, claims 235-281 will be pending and under examination.

Applicants maintain that new claims 235-281 raise no issue of new matter and are fully supported by the specification as filed.

Support for new claims 235-242 may be found inter alia in the specification, as originally-filed, on page 52, line 34 through page 53 line 13; page 53, line 18; and page 54, lines 6-15. Support for new claims 243-248 may be found inter alia in the specification, as originally-filed, on page 54, line 18 through page 55, line 2; page 55, line 8; and page 55, lines 25-30. Support for new claims 249-253 may be found inter alia in the specification, as originally-filed, on page 62, lines 9-18; page 62, line 23; and page 63, lines 14-27. Support for new claims 254-259 may be found inter alia in the specification, as originally-filed, on page 65, lines 10-28; page 57, lines 14-15; and page 66, lines 1-18.

Support for new claims 260-263 may be found inter alia in the specification, as originally-filed, on page 67, lines 12-17. Support for new claims 264 and 265 may be found inter alia in the specification, as originally-filed, on page 67, line 33 through page 68, line 7. Support for new claims 266-271 may be found inter alia in the specification, as originally-filed, on page 69, line 12 through page 70, line 5. Support for new claim 272 may be found inter alia in the specification, as originally-filed, on page 71, lines 6-11. Support for new claims 273-275 may be found inter alia in the specification, as originally-filed, on page 74, lines 1-6 and 21-23. Support for new claims 276-281 may be found inter alia in the specification, as originally-filed,

James A. Bonini, et al.
Serial No.: 09/609,146
Filed: June 30, 2000
Page 12

on page 74, lines 8-14; page 74, lines 21-23; page 101, lines 16-19; and page 57, lines 21-22.

Accordingly, applicants respectfully request that this Amendment be entered.

Restriction Requirement

On page 2 of the September 17, 2001 Office Action, the Examiner to whom the subject application is assigned required restriction under 35 U.S.C. §121 to one of the following inventions:

- I. claims 1, 3-6, 7, 9, 11 and 16, in so far as they are drawn to nucleic acids encoding a mammalian SNORF62 receptor;
- II. claims 2-6, 8, 10 and 12-15, in so far as they are drawn nucleic acids encoding a mammalian SNORF72 receptor; and
- III. claim 18, drawn to SNORF62 protein.

The Examiner alleged that inventions are unrelated. The Examiner stated that inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, MPEP §808.01). The Examiner further alleged that in the instant case the nucleic acids of the different inventions have different nucleotide sequences, encode different proteins, are located on different chromosomes, and have different tissue expression patterns.

The Examiner acknowledged that the SNORF62 protein of invention

III is related to the nucleic acids of invention I in that the nucleic acids encode the protein. The Examiner alleged that although the protein and nucleic acids are related in this way, they are distinct inventions because they are physically and functionally distinct chemical entities, the protein can be recovered from natural sources, and the nucleic acid can be used in methods other than those of recombinantly producing the protein, such as in hybridization.

The Examiner alleged that inventions II and III are unrelated in the instant case because the nucleic acids of invention II and the protein of invention III are physically and functionally distinct chemical entities, and the nucleic acids do not encode the protein of invention III.

The Examiner concluded that because the inventions are distinct and have acquired a separate status in the art as shown by their divergent subject matter, different classification and requirement for non-coextensive search, restriction for examination purposes as indicated is proper. The Examiner advised applicants that a reply to this requirement must include an election of the invention to be examined even though the requirement be traversed (37 C.F.R. §1.143).

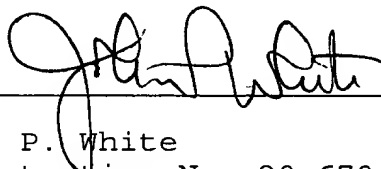
In response to this restriction requirement, applicants have canceled claims 1-18 and rather than elect those groups presented as inventions I, II or III, applicants hereby present new claims 235-281. New claims 235-281 are drawn to methods of identifying chemical compounds that bind to and inhibit the activation of the mammalian SNORF72 receptor. Applicants maintain that new claims 235-281 are a single inventive concept. Accordingly, applicants respectfully request that the Examiner examine new claims 235-281 on the merits.

James A. Bonini, et al.
Serial No.:09/609,146
Filed: June 30, 2000
Page 14

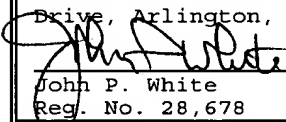
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$756.00 fee (\$701 filing fee plus \$55.00 for a one month extension of time), is deemed necessary in connection with the filing of this Amendment. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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| I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents and Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 | |
|  John P. White Reg. No. 28,678 | 11/19/01 Date |